

Tim W Hayes 11/01/2007 01:47:14 PM From DB/Inbox: Tim W Hayes

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C O N F I D E N T I A L ISTANBUL 00957

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C O N F I D E N T I A L SECTION 01 OF 02 ISTANBUL 000957

SIPDIS

E.O. 12958: DECL: 10/29/2017

TAGS: [PHUM](#) [PGOV](#) [TU](#)

SUBJECT: DINK ATTORNEY ON HRANT MURDER TRIAL, ARAT ARTICLE
301 CONVICTION

REF: A. ISTANBUL 0538

[1](#)B. ISTANBUL 0897

Classified By: Consul General Sharon A. Wiener for reasons 1.4 (b) and
(d)

[1](#)1. (C) Summary. Attorney Fetiye Cetin updated us on the status of two prominent court cases, in which she is representing the Dink family: the Arat Dink Article 301 case and trial of the accused Hrant Dink murderer. Cetin admitted her skepticism concerning GOT resolve to fully investigate and bring to justice those responsible for the January 19 assassination of the Turkish-Armenian human rights advocate. International pressure on the Turkish government would be essential to effect a thorough and transparent judicial process. Cetin also confirmed her plans to appeal the October 11 Article 301 conviction of Hrant's son Arat and an Agos newspaper colleague, pending receipt of the judge's legal justification for his decision. End summary.

Arat Dink's Article 301 Conviction

[1](#)2. (C) Dink family attorney Fetiye Cetin, during an October 24 meeting, discussed with us the status of Arat Dink's Article 301 case (ref A) and the trial of his father Hrant's murderer (ref B). Regarding the one-year suspended jail sentence handed down to Arat and his Agos weekly newspaper colleague Serkis Seropyan following their October 11 conviction for "insulting Turkishness," Cetin stated she had filed her intention to appeal the decision to the Higher Court of Appeals (Yargitay), but was still waiting to receive the legal justification behind the conviction. She noted the judge, while handing down the sentence, reasoned a one-year suspended term (vice the minimum six-month term) was appropriate due to the "personality of the defendants and their activities."

[1](#)3. (C) The case against Arat Dink and Seropyan stemmed from

Agos re-printing a Reuters interview in which Hrant Dink refers to the events of 1915 as "genocide." Cetin explained she had argued in court that other newspapers, including ultra-nationalist Yeni Cag, had re-printed the interview prior to Agos but had not faced similar indictments. She had hoped the judge would recognize this discrimination and acquit the defendants, and lamented the judiciary's role in facilitating the use of Article 301 as a "tool of hatred." Cetin observed that the day after the conviction, newspapers showed images of people protesting against Arat Dink and Seropyan, suggesting "the same oppression" which haunted the elder Dink continues. She proffered that silencing Agos was probably the real goal of those who advanced this conviction. The decision proves that unless Article 301 is abolished, such abuses will persist.

¶4. (C) Regarding the timing of the conviction - one day following the U.S. House Foreign Affairs Committee (HFAC) approval of the Armenian "genocide" resolution (AGR) - Cetin had considered a possible link but concluded it was likely just coincidence. If the judge had ever really been inclined to acquit, the case would have been dropped in the earlier stages of the trial, though a possible link between the one-year sentence and the HFAC vote could not be dismissed. "Of course, the law should be above all of this, but it is also true that resolutions passed by other countries give these people a stronger hand," Cetin remarked.

¶5. (C) Asked whether Arat Dink had received any threats following his Article 301 conviction, Cetin responded he had received a few via e-mail immediately following the decision; they have been referred to a prosecutor. Threats against Arat and Agos seem to come in waves, she said, intensifying, for instance, following the October 10 HFAC vote before tapering off again. Cetin noted the government responds to such threats with a police presence outside of Arat Dink's residence and the Agos office building. She added that Arat quietly left the country for a couple of weeks following the conviction, as friends and colleagues had encouraged him to do. Cetin, herself, had not received any direct threats but did come across some associated with her name on the Internet.

Hrant Dink Murder Trial and Investigation

¶6. (C) Turning to the investigation and trial of Hrant Dink's accused murderer (scheduled to resume on February 11, 2008), Cetin admitted she was not confident in the legal process. She maintained security and government officials were guilty of negligence on two counts: for failing to attempt to prevent the murder, despite having prior knowledge that Dink was a target; and for failing to thoroughly investigate those suspected of complicity after the murder. Worse still, argued Cetin, was the clear manipulation of evidence by authorities. Even the prosecutor has lamented that some information had been blacked out and evidence lost, changed or damaged. Cetin believed this was the natural result of the investigations being carried out by persons who should themselves be investigated.

¶7. (C) Expressing the Dink family's and her own appreciation for continued USG interest in these two cases and in the murder investigation, Cetin stressed that pressure from the international community is helpful, especially since GOT determination to make reforms seems to have stalled since ¶2005. Citing the UN commission established to investigate former Lebanese Prime Minister Hariri's assassination, she suggested that an international initiative to request periodic reports from Turkey on the status of the Dink murder investigation would be an effective means to hold the GOT accountable for pursuing justice in this matter. Given the current political environment in Turkey, the UN would be the best forum for this type of initiative, Cetin concluded.
Comment

¶8. (C) Cetin is not alone in her lack of confidence in the judicial process being applied to the murder investigation.

Many editorialists and commentators have expressed their conviction that culpability extends well beyond those being investigated and includes security officials. However, few are paying attention in the current political environment where Kurdistan Workers Party (PKK) terrorism and the associated government response are monopolizing headlines. Any talk of Article 301 reform has been put on hold for the same reason. We will remain engaged in these issues. End comment.

WIENER